

1 IN THE UNITED STATES DISTRICT COURT FOR
2 THE NORTHERN DISTRICT OF TEXAS
3 SAN ANGELO DIVISION

4 _____
5 RYAN PEARL, individually and
6 as next friend of B.P., A
7 Minor; and ALEXANDRIA
8 NIETO, individually and as
9 next friend of J.G., a minor,

10 Plaintiffs, No.:
11 v. 6:24-CV-00018-H
12 UNITED STATES OF AMERICA,
13 Defendant.

14 _____
15 VIDEOTAPED DEPOSITION
16 _____

17
18 WITNESS: JAYLEAH EVERITT
19 DATE: Monday, February 24, 2025
20 START TIME: 10:05 a.m., CT
21 END TIME: 12:09 p.m., CT
22 REMOTE LOCATION: Remote Legal platform
23 PROCEEDINGS OFFICER: Elene Sowl, CER/CDR-1604
24 JOB NO.: 33779
25

1 driving. Were you listening to any podcasts or anything
2 like that?

3 A I was not.

4 Q Okay. So I guess if you could walk me
5 through. You know, we're getting to the moment of the
6 accident. You're driving towards FM765 on Olsak Road at
7 about 12 p.m., February 12, 2023. In your own words,
8 could you just take me through what happened.

9 A You want the -- can you clarify, like, exactly
10 what you're questioning?

11 Q Yeah. I guess -- again, this is my only real
12 -- you know, my -- maybe my only opportunity to talk to
13 you about what happened in the -- in the wreck. And I
14 just want, in your own words, to describe what happened
15 as drove up to FM70 -- FM765 and how the wreck occurred.

16 A I was driving down Olsak Road. I'm continuing
17 straight. I don't know the exact direction down Olsak
18 Road, unaware I was coming up on a -- on FM765 and
19 (indiscernible - audio disruption).

20 Q And is that when the wreck occurs as you enter
21 the intersection?

22 A Correct.

23 Q Before you entered the intersection of FM765,
24 did you slow down at all?

25 A No.

1 Q Before you entered the intersection of FM765,
2 did you look left and right to see if there was oncoming
3 traffic?

4 A No.

5 Q Okay. I'm sorry. Your answer got cut off.
6 Before you entered the intersection of FM765, did you
7 look left and right to see if there was oncoming
8 traffic?

9 A No.

10 Q I know that you said that it was an Amazon
11 delivery day; is that correct?

12 A Yes.

13 Q And I understand -- and again, you're -- you
14 have more knowledge about this than I do, so please
15 correct me if I'm wrong. But I understand on Amazon
16 delivery days that they provide you some sort of device,
17 a scanner or something like that?

18 A Correct.

19 Q Can you tell me -- first, describe what that
20 device is to someone like me who's never seen that thing
21 in their life before.

22 A It's about the size of a regular smartphone.
23 It's touch screen. It's, kind of, bulky.
24 (Indiscernible - audio disruption.)

25 Q Okay. I think you might have gotten cut off.

1 A The actual scanner. If the volume --
2 Q And you -- you're going to have to -- if the
3 volume isn't up. Okay. So you don't know if you were
4 getting the turn-by-turn directions at the time, you
5 know, as you were approaching FM765, right?

6 A Correct.

7 Q I believe you told me that you were unaware
8 that you were approaching 765. Can you tell me why you
9 were unaware that you were approaching 765.

10 A I had never been on that road before.

11 Q Oh, so you just didn't know that there was an
12 intersection coming up.

13 A Correct.

14 Q As you were driving towards 765 on Olsak Road,
15 was there anything about Olsak Road that blocked your
16 view of 765?

17 A No.

18 Q Okay. And you entered the intersection -- I
19 think you said that you T-boned Ms. Nieto's vehicle; is
20 that correct?

21 A Correct.

22 Q And I think you said that you had a concussion
23 as a result?

24 A Correct.

25 Q How did you know that you had a concussion?

1 the right of way on FM765?

2 A Can you repeat that?

3 Q Yeah. Do you agree that Ms. Nieto's SUV had
4 the right of way as they were traveling on FM765?

5 MR. PADIS: Objection. Calls for the
6 witness to speculate.

7 Answer if you know.

8 THE WITNESS: I'm unsure.

9 BY MR. JACOB:

10 Q Okay. And why are you unsure?

11 A I didn't know I was coming up on a highway.

12 Q Okay. Well, I guess based on your training
13 with the US Postal Service and your -- the -- knowing
14 the -- well, let me back up.

15 Do -- you don't -- you know the rules of the
16 road in -- on Texas roads; is that fair to say?

17 MR. PADIS: Objection. Vague.

18 THE WITNESS: Yes.

19 BY MR. JACOB:

20 Q Okay. And based on your training of -- with
21 the US Postal Service and the rules of Texas roads, are
22 you aware that Ms. Nieto's SUV had the right of way?

23 A I'm sorry. You skipped out. I didn't get the
24 whole question.

25 Q Yes. I was saying that **based on your training**

1 with the US Postal Service and the rules of the road on
2 Texas roads, are you aware that Ms. Nieto's vehicle had
3 the right of way?

4 MR. PADIS: Objection. Calls for the
5 witness to speculate.

6 Answer if you know.

7 THE WITNESS: Yes.

8 BY MR. JACOB:

9 Q Okay. Can you tell me who Jamie Sanchez is.

10 A He's a delivery supervisor.

11 Q Okay. Did Mr. Sanchez conduct any
12 investigation into the wreck in February of 2

13 MR. PADIS: Objection. Calls for the
14 witness to speculate.

15 Answer if you know.

16 THE WITNESS: I'm unsure.

17 BY MR. JACOB:

18 Q Okay. Let me share my screen with you. Okay.
19 Are you seeing on your screen a document titled "Motor
20 Vehicle Accident Crash Report"?

21 A Yes.

22 Q And do you see at the bottom of that page,
23 it's Bates stamped USAP002147?

A I do not see that. It's, kind of, blurry.

25 Q Okay. Let me see if I can make that a little

1 as well. I should be done pretty soon.

2 MR. PADIS: Jayleah, do you need to break
3 for lunch and get some food, or do you want to do a
4 shorter break?

5 THE WITNESS: Just to use the restroom
6 would be fine.

7 MR. JACOB: I will say that we don't need
8 a lot more time after this. So if we take a shorter
9 break, I should be able to conclude this, assuming
10 George doesn't have his own questions, of course, right?
11 I shouldn't speak out of turn there.

12 MR. PADIS: All right. Let's take a
13 five-minute break till 12:06. Does that work for
14 everyone?

15 MR. JACOB: Okay. That's good with me.

16 THE PROCEEDINGS OFFICER: In agreement, I
17 will pause the record at 12:01 p.m., Central Time.

18 (Off the record.)

19 THE PROCEEDINGS OFFICER: We're back on
20 the record at 12:07 p.m., Central Time. Proceed.

21 BY MR. JACOB:

22 Q Okay. Ms. Everitt, just a few more questions.
23 I'm going back to the wreck on February 12, 2023. As
24 you're approaching Olsak Road, do you believe that
25 Ms. Nieto was at fault in any way for causing the wreck?

1 A No.

2 Q I think those are all the questions that I
3 had. I just want to make sure since the beginning of
4 this deposition, you were able to understand all the
5 questions that I asked and to the extent that you
6 weren't, you were able to say something like, Mr. Jacob,
7 I don't understand your questions.

8 A Correct.

9 Q Was there any part of this wreck or the
10 incident that we didn't talk about that you feel that we
11 should talk about?

12 A No.

13 MR. JACOB: Okay. Thank you, Ms.

14 Everitt, for your time. I appreciate it. Pass the
15 witness.

16 THE WITNESS: No problem.

17 MR. PADIS: We'll reserve our questions
18 for trial. The witness will read and sign. And I want
19 to thank Tom for his professionalism and courtesy today.

20 MR. JACOB: Well, you're welcome. I
21 mean, I don't feel like I was doing anything special,
22 but I thank you for the compliment. And Ms. Everitt, I
23 hope we can get you out of here pretty quickly now.

24 THE PROCEEDINGS OFFICER: Before we --
25 yes. Just before we go off the record, I need to

1 CERTIFICATE OF PROCEEDINGS OFFICER

2

3 I, Elene Sowl, hereby certify:

4 That the foregoing proceedings were taken

5 before me at the time and place therein set forth;

6 That the proceedings were recorded by me and

7 thereafter formatted into a full, true, and correct

8 transcript of same;

9 I further certify that I am neither counsel
10 for nor related to any parties to said action, nor in
11 any way interested in the outcome thereof.

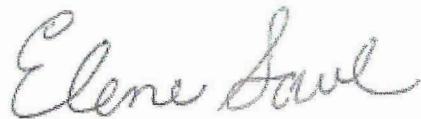
12

13 DATED this 5th day of March 2025.

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Elene Sowl

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CER/CDR-1604

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Proceedings Officer

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